

DOCKET NUMBER: 95178058-002001/64227-00002USPT
PATENT

REMARKS

Status of the Claims

Favorable consideration is respectfully requested for claims 1, 3, 4, and 11-56. Claims 23-56 have been added, claims 5 and 6 have been canceled, claims 2 and 7-10 were previously cancelled, and claims 1, 3, 4, and 19-22 have been amended without prejudice to be refiled in a continuation application. Claims 1, 3-6, and 11-22 currently stand rejected.

Support for Amended and New Claims

The amendments to the claims and the newly submitted claims are supported by the original filing. For example, the amendments to claims 1 and 4 relating to the menu/recipe database, a nutritional database, a personal database, and a medication database can at least be found at page 3 lines 3-11 and 18-22, page 9 lines 3-15, page 10 line 18-page 12 line 15, page 13 lines 8-10 and 15-22, page 18 lines 10-17, page 19 line 18-page 20 line 10, claims 1, 2, and 5-10, the example on pages 21-24, and Figures 1-3 of the specification. The interaction of the personal database with at least one of the menu/recipe, nutritional, or medication databases is at least shown at page 3 lines 3-8 and 18-22, page 9 lines 5-7, page 12 lines 3-5 and 8-13, page 13 lines 6-10 and 12-22, and page 19 line 18-page 20 line 10, and Figures 1-3 of the specification.

New claim 23 is at least supported by the disclosure at page 2 lines 19-21, page 3 lines 18-22, page 9 line 22-page 10 line 5, page 11 lines 4-6, page 12 lines 16-21, page 14 lines 10-14, and Figure 2 of the specification.

New claim 24 is at least supported by the disclosure at page 2 line 21-page 3 line 2 and page 16 lines 1-3 and 19-22 of the specification.

New claim 25 is at least supported by the disclosure at page 3 lines 1-2, page 16 lines 1-18, and page 17 lines 2-3 and 10-15 of the specification.

New claim 26 is at least supported by the disclosure at page 9 line 22-page 10 line 3 and page 14 lines 1-12 of the specification.

New claim 27 is at least supported by the disclosure at page 13 lines 12-16 and page 14 lines 12-14 of the specification.

New claim 28 is at least supported by the disclosure at page 13 lines 2-5, page 14 lines 4-10, and the example on pages 21-24 of the specification.

DOCKET NUMBER: 95178058-002001/64227-00002USPT
PATENT

New claim 29 is at least supported by the disclosure at page 2 lines 17-19, page 10 lines 5-8, and page 12 lines 10-11 of the specification.

New claims 30 and 44 are at least supported by the disclosure at page 3 lines 14-18, and page 10 line 18-page 12 line 15 of the specification.

New claims 31 and 45 are at least supported by the disclosure at page 10 line 21-page 11 line 4 of the specification.

New claims 32 and 46 are at least supported by the disclosure at page 11 lines 2-4 of the specification.

New claims 33 and 47 are at least supported by the disclosure at page 11 lines 8-10 of the specification.

New claims 34 and 48 are at least supported by the disclosure at page 11 lines 10-14 of the specification.

New claims 35 and 49 are at least supported by the disclosure at page 10 line 21-page 11 line 6 and page 11 lines 17-22 of the specification.

New claims 36 and 50 are at least supported by the disclosure at page 11 line 22-page 12 line 3 of the specification.

New claims 37 and 51 are at least supported by the disclosure at page 11 lines 6-8 of the specification.

New claims 38 and 52 are at least supported by the disclosure at page 12 lines 6-8 of the specification.

New claims 39 and 53 are at least supported by the disclosure at page 12 lines 3-6 of the specification.

New claims 40 and 54 are at least supported by the disclosure at page 13 lines 16-19 of the specification.

New claims 41 and 55 are at least supported by the disclosure at page 15 lines 6-22 of the specification.

New claims 42 and 56 are at least supported by the disclosure at page 17 lines 16-22 and page 18 lines 3-7 of the specification.

New claim 43 is at least supported by the disclosure at page 18 lines 6-7 of the specification.

DOCKET NUMBER: 95178058-002001/64227-00002USPT
PATENT

In the Office Action dated March 9, 2005, claims 1, 16, and 17 were rejected as being unpatentable under 35 U.S.C. § 103(a) over Douglas and Alabaster; claim 3 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Douglas, Alabaster, and Sullivan; claim 11 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Douglas, Alabaster, and Schroeder; claim 12 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Douglas, Alabaster, and Umbdenstock; claims 13 and 15 were rejected as being unpatentable under 35 U.S.C. § 103(a) over Douglas, Alabaster, and Hankins; claim 14 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Douglas, Alabaster, and Goldman; claim 18 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Douglas, Alabaster, and Longabaugh; claims 4-6 were rejected as being unpatentable under 35 U.S.C. § 103(a) over Douglas, Schroeder, and Umbdenstock; claims 19 and 21 were rejected as being unpatentable under 35 U.S.C. § 103(a) over Douglas, Schroeder, Umbdenstock, and Hankins; claim 20 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Douglas, Schroeder, Umbdenstock, and Goldman; and claim 22 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Douglas, Schroeder, Umbdenstock, and Longabaugh. These rejections are traversed. Applicant respectfully requests that the rejection of claims 1, 3-6, and 11-22 be withdrawn.

Interview

Examiner Dodds is thanked for the courtesies extended during an in-person interview held June 7, 2005.

Rejections under 35 U.S.C. § 103

Claims 1, 3-6, and 11-22 were rejected as being obvious in light of eleven different combinations of eight patents to Douglas, Alabaster, Sullivan, Schroeder, Umbdenstock, Hankins, Goldman, and Longabaugh. As discussed during the interview and putting aside the deficiencies of the disclosures themselves and the lack of motivation supporting the numerous, distinct combinations urged in the Office Action, the applied patents, either alone or in combination, do not disclose or suggest the interaction of the personal database with any of the menu/recipe, nutritional, or medication databases as recited in independent claims 1 and 4. For example, claim 1 recites "identifying specific dietary information meeting user criteria, wherein

DOCKET NUMBER: 95178058-002001/64227-00002USPT
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said identifying step comprises said personal database interacting with at least one of the menu/recipe database, the nutritional database, or the medication database.” Claim 4 now recites “a plurality of databases comprised of a menu/recipe database, a personal database, a nutritional database, and a medication database, wherein said personal database is adapted to interact with at least one of the menu/recipe database, the nutritional database, or the medication database operably connected to said internet.” Claim 1 also recites “inputting a user assessment into the user machine, wherein the user assessment is of at least one of the manipulated dietary information or the interaction of the personal database with the at least one of the menu/recipe database, the nutritional database, or the medication database; and transmitting and storing said user assessment to the dietary information database over the internet for access by other future users over the internet.” In comparison, Douglas, col. 9 lines 47-50, discloses that “[t]he user may also record his or her personal comments in the journal. This information may only be viewed by the individual user, and is not available to the case advisor or physician.” It is clear that Douglas teaches away from providing user assessments for other future users. As such, it is respectfully requested the rejection of claims 1 and 4 be withdrawn.

Claims 3 and 11-56 recite subject matter that is independently patentable over the applied prior art. For example, claim 23 provides “a menu of planned meals,” which is not disclosed or suggested in the applied patents. In addition, because claims 3 and 11-56 depend either directly or indirectly from claims 1 and 4, they are also allowable for the same reasons that claims 1 and 4 are allowable. It is respectfully requested that the rejections of claims 3 and 11-22 be withdrawn.

DOCKET NUMBER: 95178058-002001/64227-00002USPT
PATENT

CONCLUSION

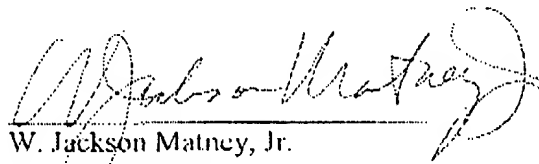
In view of the foregoing, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response; please charge any deficiency in fees or credit any overpayments to Deposit Account No. 3740-0355 (95178058-002001).

Respectfully submitted,

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